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H11121648

January 24, 2012

Inspector General

United States
Department of Defense



ALLEGED MISCONDUCT:
MAJOR GENERAL FRANK J. PADILLA
UNITED STATES AIR FORCE
FORMER COMMANDER, 10TH AIR FORCE

UNREDACTED ROI

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ALLEGED MISCONDUCT
MAJOR GENERAL FRANK J. PADILLA
U.S. AIR FORCE RESERVE
FORMER COMMANDER 10th AIR FORCE
NAVAL AIR STATION JOINT RESERVE BASE
FORT WORTH, TEXAS

I. INTRODUCTION AND SUMMARY

We initiated the investigation to address allegations that while serving as Commander, 10th Air Force, Major General (Maj Gen) Padilla:

- Improperly appointed his Inspector General (IG) as the Investigating Officer (IO) in a Commander-Directed Investigation (CDI), in violation of Air Force Instruction (AFI) 90-301, "Inspector General Complaints"; and

- (b)(6) (b)(7)(C)

We substantiated the first allegation. We conclude Maj Gen Padilla improperly appointed his IG as the IO in a CDI. We found that (b)(6) (b)(7)(C), United States Air Force Reserve (USAFR), served as the IG for the Headquarters, 10th Air Force. On May 17, 2010, Maj Gen Padilla appointed her to conduct a CDI into allegations made against (b)(6) (b)(7)(C) 306th Rescue Squadron (RQS). The AFI 90-301 in effect at that time prohibited commanders from using IGs and their staff members as IOs for CDIs. Accordingly, we determined Maj Gen Padilla violated the prohibition in AFI 90-301.

We did not substantiate the second allegation. (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

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(b)(6) (b)(7)(C)

We provided Maj Gen Padilla the opportunity to comment on the preliminary results of our investigation by letter dated January 9, 2012. We received his response on January 12, 2012.¹ In his response, Maj Gen Padilla did not dispute the relevant facts we presented to him and accepted full responsibility for appointing (b)(6), (b)(7)(C) to conduct CDIs. He stated it was his understanding she had accomplished CDIs under a previous commander with the knowledge and tacit approval of Air Force Reserve Command (AFRC), so he elected to continue the practice. He further added that he found (b)(6), (b)(7)(C) report of investigation thorough, legally sufficient, and a solid foundation for the command actions he took in addressing (b)(6), (b)(7)(C) misconduct.

We appreciate Maj Gen Padilla's cooperation and timely response to the preliminary results of our investigation.

This report sets forth our findings and conclusions based upon a preponderance of the evidence.

¹ While we have included what we believe is a reasonable synopsis of Maj Gen Padilla's response, we recognize that any attempt to summarize risks oversimplification and omission. Accordingly, we incorporated comments from the response throughout this report where appropriate and provided a copy of the response to the cognizant management officials together with this report.

II. BACKGROUND

Maj Gen Padilla commanded the 10th Air Force, Naval Air Station Joint Reserve Base at Fort Worth, Texas (TX) from May 2009 to November 2011. The 10th Air Force is one of three numbered air forces in the AFRC and includes a headquarters (HQ) staff, six fighter units, three rescue units, and other subordinate units. The command is responsible for more than 16,000 reservists and 940 civilians at 30 military installations throughout the United States.

Col Robert L. Dunn, USAFR, commanded the 920th Rescue Wing (RQW), a part of the 10th Air Force, until his retirement in September 2011. The 920th RQW is located at Patrick Air Force Base, Florida (FL). The 943rd Rescue Group (RQG), currently commanded by Col Harold L. Maxwell, USAFR, is part of the 920th RQW. The 306th RQS, an Air Force Reserve Combat Search and Rescue (CSAR) squadron, is part of the 943rd RQG. The 943rd RQG and 306th RQS are located at Davis-Monthan AFB, Arizona.

(b)(6) (b)(7)(C) . (b)(6), (b)(7)(C) chain of command was Col Maxwell, Col Dunn, then Maj Gen Padilla.

The 306th RQS is a flying unit consisting of aircrew members (pilots, flight engineers, and pararescuemen) and various types of support personnel. Pararescuemen, or "PJs," are full-time AGR personnel. A PJ's mission is to recover downed and injured aircrew members in austere and non-permissive environments. PJs are trained to provide emergency medical treatment necessary to stabilize and evacuate injured personnel while acting in an enemy evading recovery role.

III. SCOPE

We interviewed the complainant, Maj Gen Padilla and two other individuals who had knowledge of the events at issue. We reviewed the IO appointment, CDI, personnel records, and other relevant documentation. We also reviewed Air Force instructions, and guidance the Air Force published for IOs conducting CDIs.

(b)(6) (b)(7)(C)

IV. FINDINGS AND ANALYSIS

A. Did Maj Gen Padilla improperly appoint his IG to conduct a CDI?

Standards

Air Force Instruction (AFI) 90-301, "Inspector General Complaints Resolution," dated May 15, 2008

Chapter 1, Section 1.31, "Commander-Directed Investigations (CDIs)," states, in part, that the primary purpose of a CDI is to gather, analyze and record relevant information about matters of primary interest to command authorities. Commanders should consult with their staff judge advocate before initiating a CDI. Commanders will not appoint IGs or IG staff members as inquiry or investigation officers for CDIs.

Facts

(b) (6), (b) (7)(C) has served as the 10th Air Force IG as a traditional reservist since 2008.² (b) (6), (b) (7)(C), confirmed, that numbered air forces in the AFRC were not authorized an IG. If a commander wanted an IG, he or she had to take an asset out of an existing personnel authorization. The Unit Manning Document (UMD) and (b) (6), (b) (7)(C) most recent OPR identified her as the "Special Assistant to the Commander, IG." Both documents indicated her Duty Air Force Specialty Code (DAFSC) as 87G (IG). Her OPR listed one of her duties as developing methods and control procedures to implement IG policies, and directing, conducting, and monitoring IG programs. Further, the 10th Air Force Staff Directory identified (b) (6), (b) (7)(C) as the IG.

(b) (6), (b) (7)(C) However, Maj Gen Padilla appointed her to conduct several CDIs, probably because she had been trained to conduct investigations.

In an email dated May 7, 2010, Col Maxwell asked Maj Gen Padilla for assistance in initiating a CDI into allegations of (b) (6), (b) (7)(C). Col Maxwell explained he had no one of sufficient rank available to serve as the IO. By appointment letter dated May 17, 2010, Maj Gen Padilla appointed (b) (6), (b) (7)(C) to conduct a CDI into allegations (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) completed the CDI on July 13, 2010.

Maj Gen Padilla testified (b) (6), (b) (7)(C) and served as a (b) (6), (b) (7)(C) at Fort Worth. He did not view her as the IG with responsibility for the

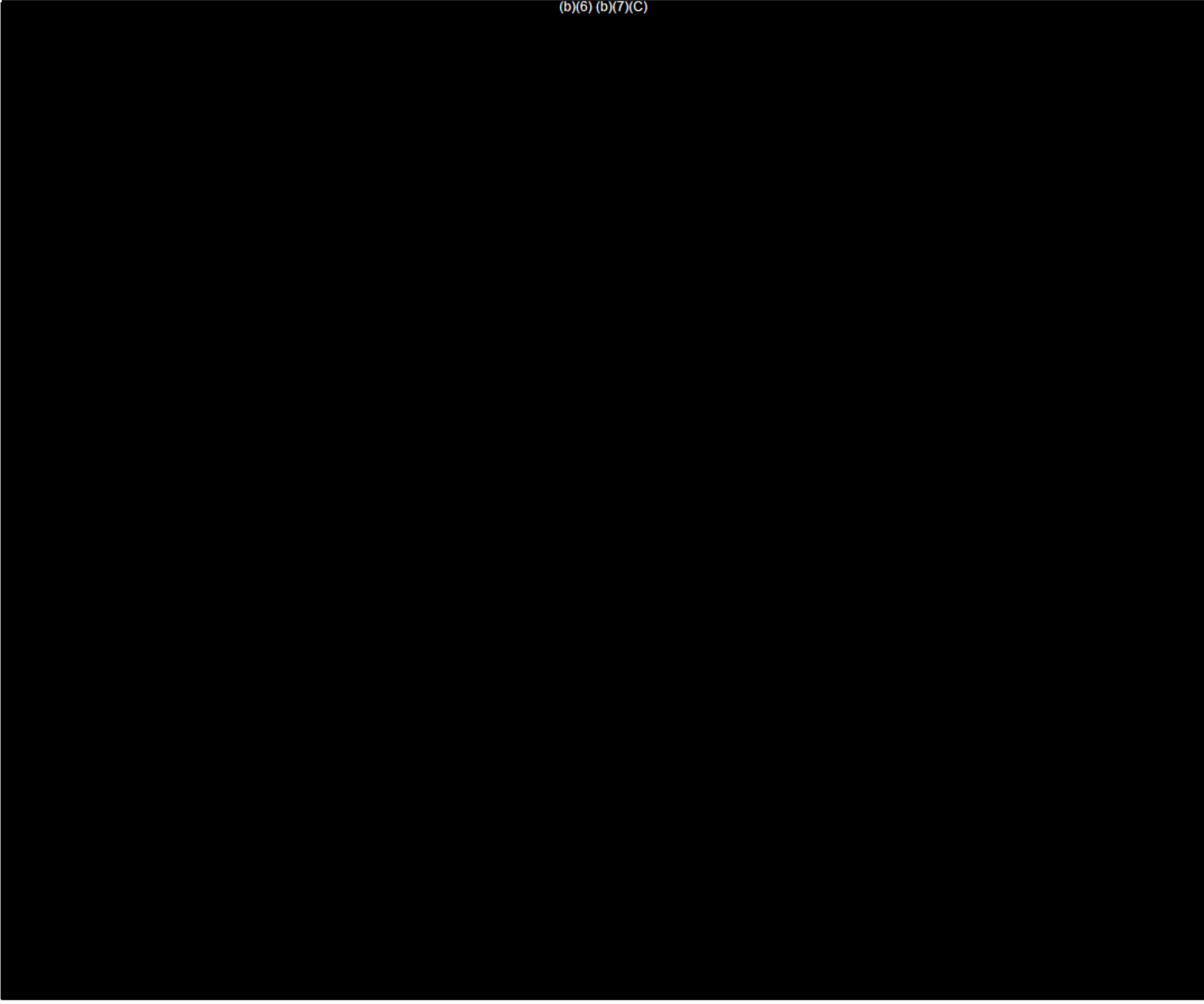
² A traditional reservist typically reports for duty one weekend each month and completes two weeks of annual training a year.

10th Air Force's subordinate units, which reported IG matters directly to the IG, AFRC. He knew (b) (6), (b) (7)(C) had experience in conducting CDIs, was extremely thorough, had enormous flexibility from her civilian job as a realtor, and as a traditional reservist she was always looking for man-days to perform extra work and special projects. He admitted to occasionally appointing her as the IO to conduct CDIs.

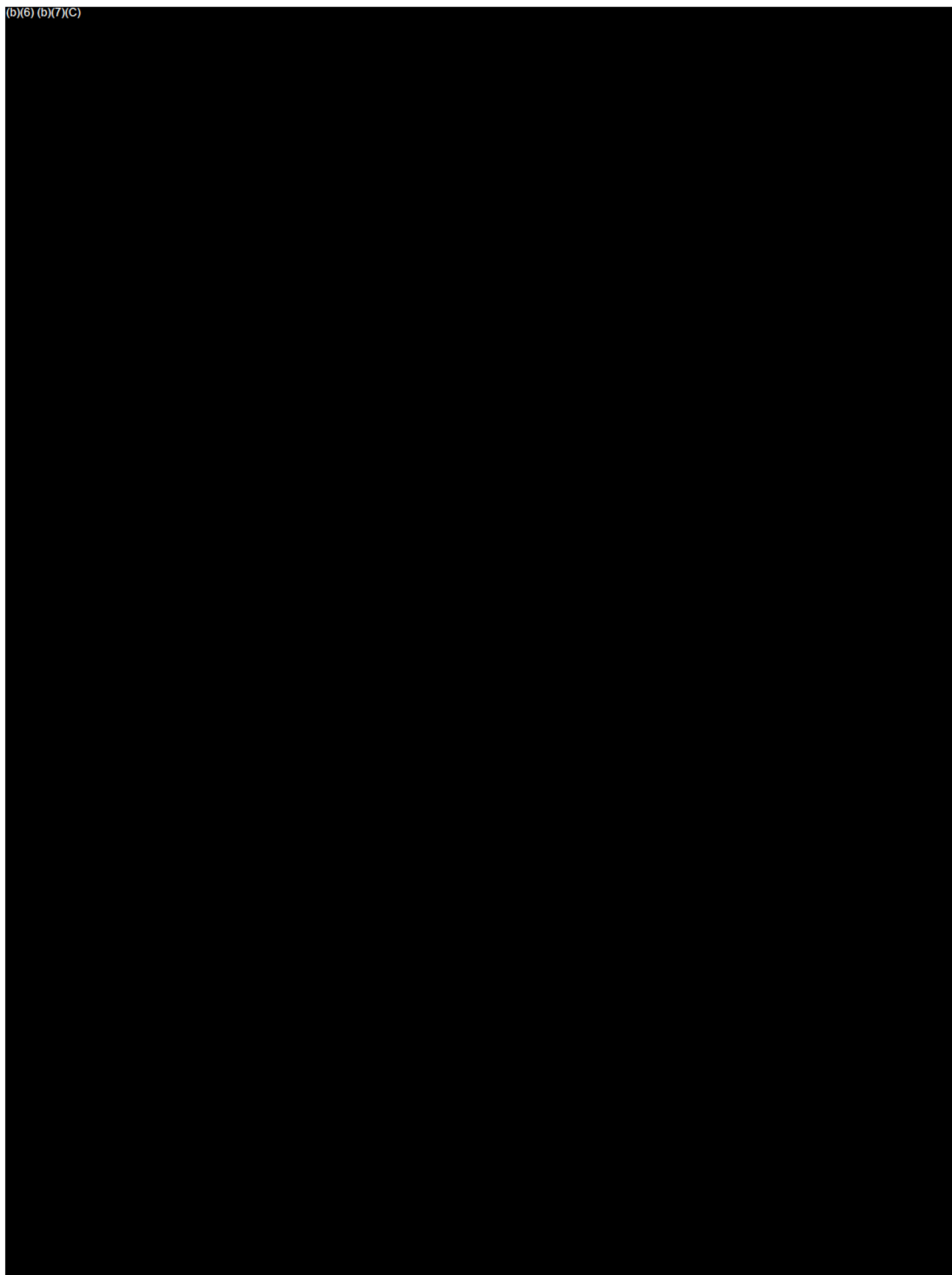
Discussion

We conclude that Maj Gen Padilla improperly appointed his IG as the IO in a CDI. We found (b) (6), (b) (7)(C) OPR, the UMD, and the staff directory identified (b) (6), (b) (7)(C) as the IG and that Maj Gen Padilla recognized her as the IG for his HQ staff. We also found Maj Gen Padilla appointed (b) (6), (b) (7)(C) to conduct a CDI. AFI 90-301, "Inspector General Complaints Resolution," prohibited commanders from using IGs and their staff members as IOs for CDIs.³

(b)(6) (b)(7)(C)

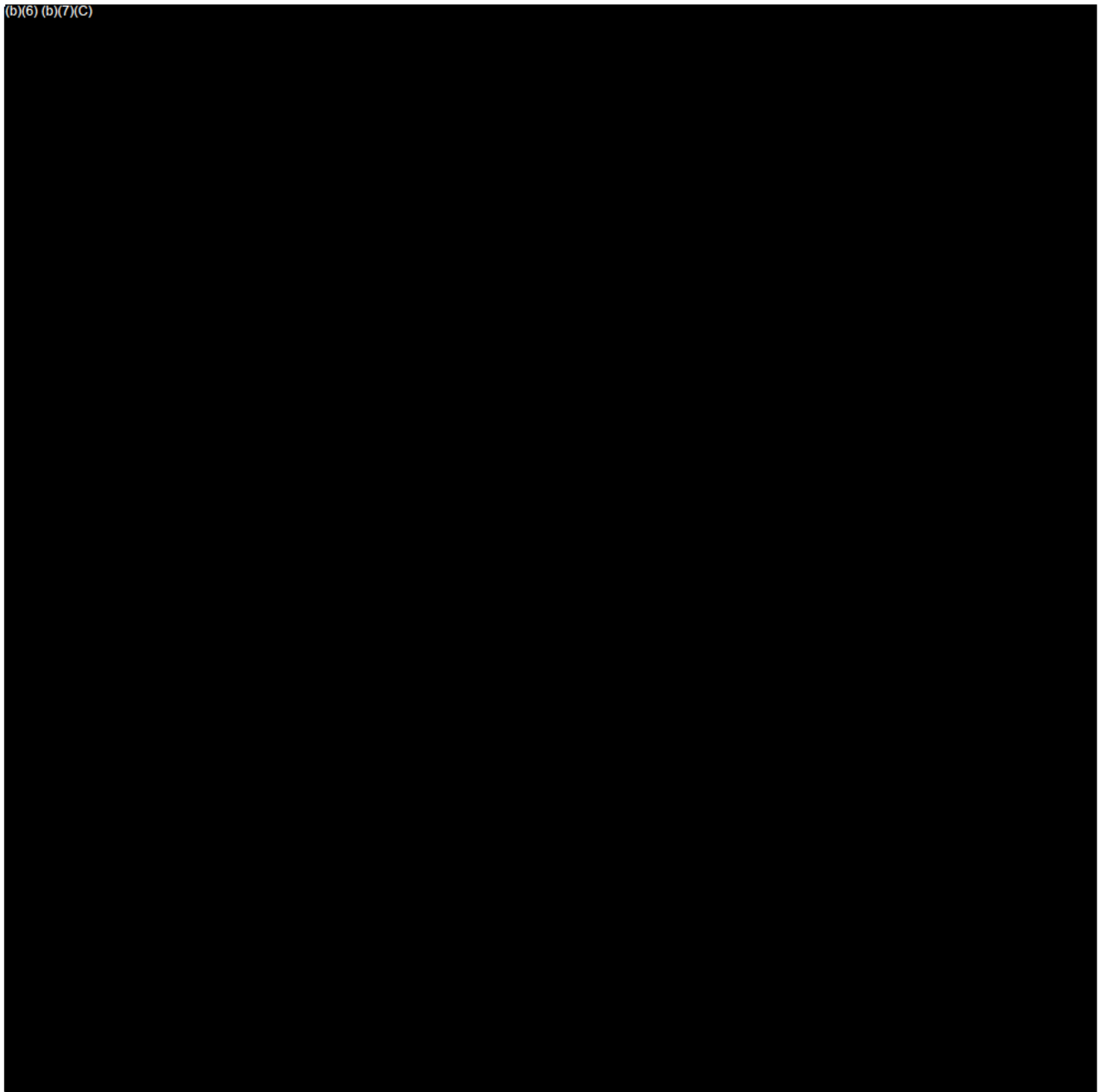


(b)(6) (b)(7)(C)



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(b)(6) (b)(7)(C)



Appointment and Conduct of CDI

Maj Gen Padilla stated he required his commanders to keep him informed of alleged officer misconduct, but he did not as a rule withhold the authority to dispose of officer misconduct at his level. In this case, Col Maxwell asked Maj Gen Padilla for assistance in initiating a CDI into the allegations against (b)(6) (b)(7)(C). Maj Gen Padilla stated Col Maxwell was uncomfortable investigating allegations which had the potential to reflect negatively on his

(b)(6) (b)(7)(C)



superior, Col Dunn, since (b)(6) (b)(7)(C) misconduct allegedly occurred when Col Dunn, not Col Maxwell, commanded the 943rd RQG. Given these circumstances, Maj Gen Padilla decided to direct the investigation. On May 17, 2010, he appointed (b) (6), (b) (7)(C) as the IO for the CDI.

Maj Gen Padilla identified (b)(6) (b)(7)(C) (b)(6) (b)(7)(C), as (b) (6), (b) (7)(C). On May 20, 2010, two junior officers from the 306th RQS reported additional allegations against (b)(6) (b)(7)(C) to Col Maxwell. Maj Gen Padilla then expanded the scope of the CDI from 4 allegations to an investigation of 14 allegations.

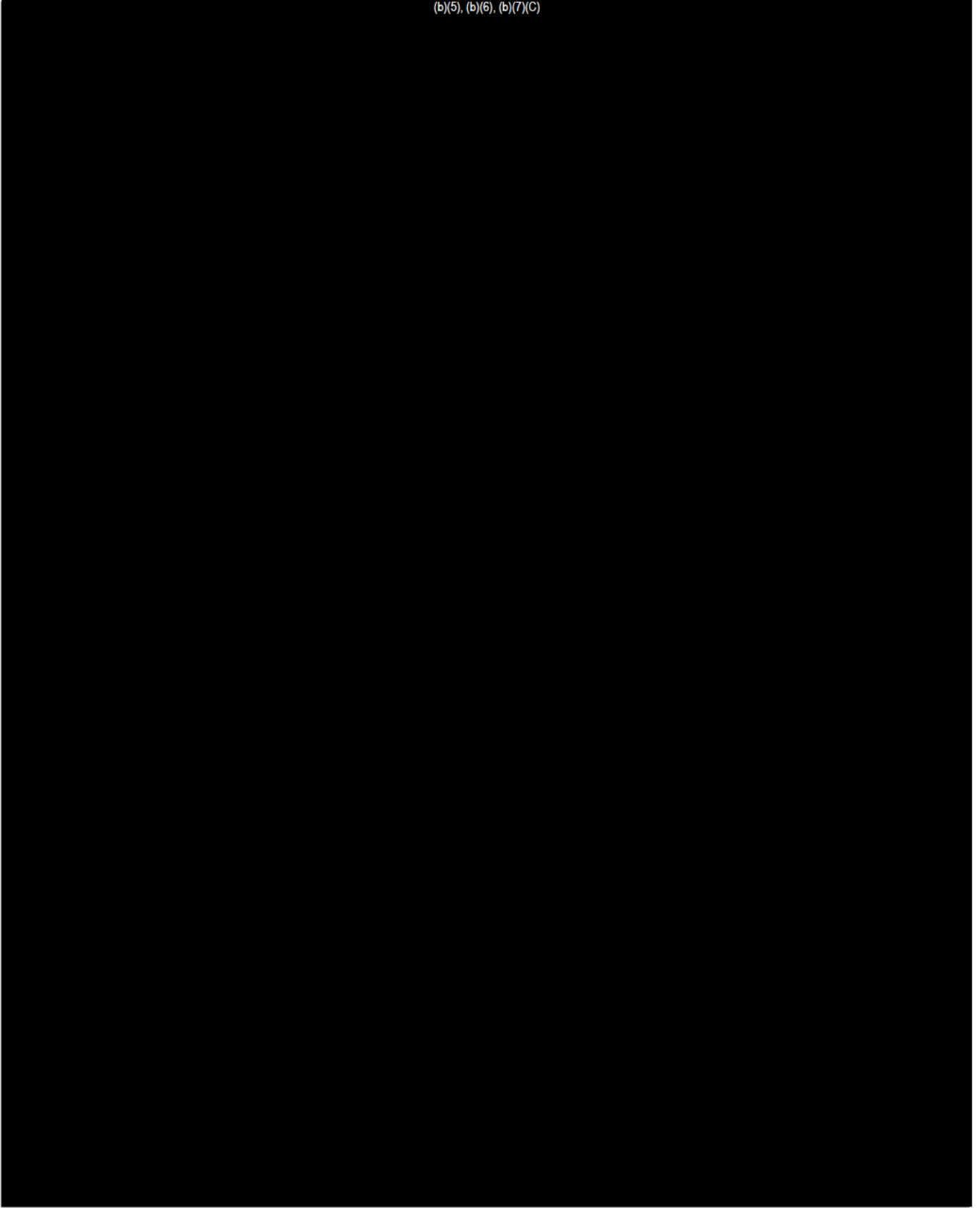
On June 4, 2010, Col Maxwell, with (b) (6), (b) (7)(C) as a witness, advised (b)(6) (b)(7)(C) in writing that Maj Gen Padilla had directed a CDI concerning allegations of misconduct in the 306th RQS and that (b) (6), (b) (7)(C) was the investigating officer. (b)(6) (b)(7)(C) acknowledged the advisement by written endorsement on June 5, 2010.

(b)(5), (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

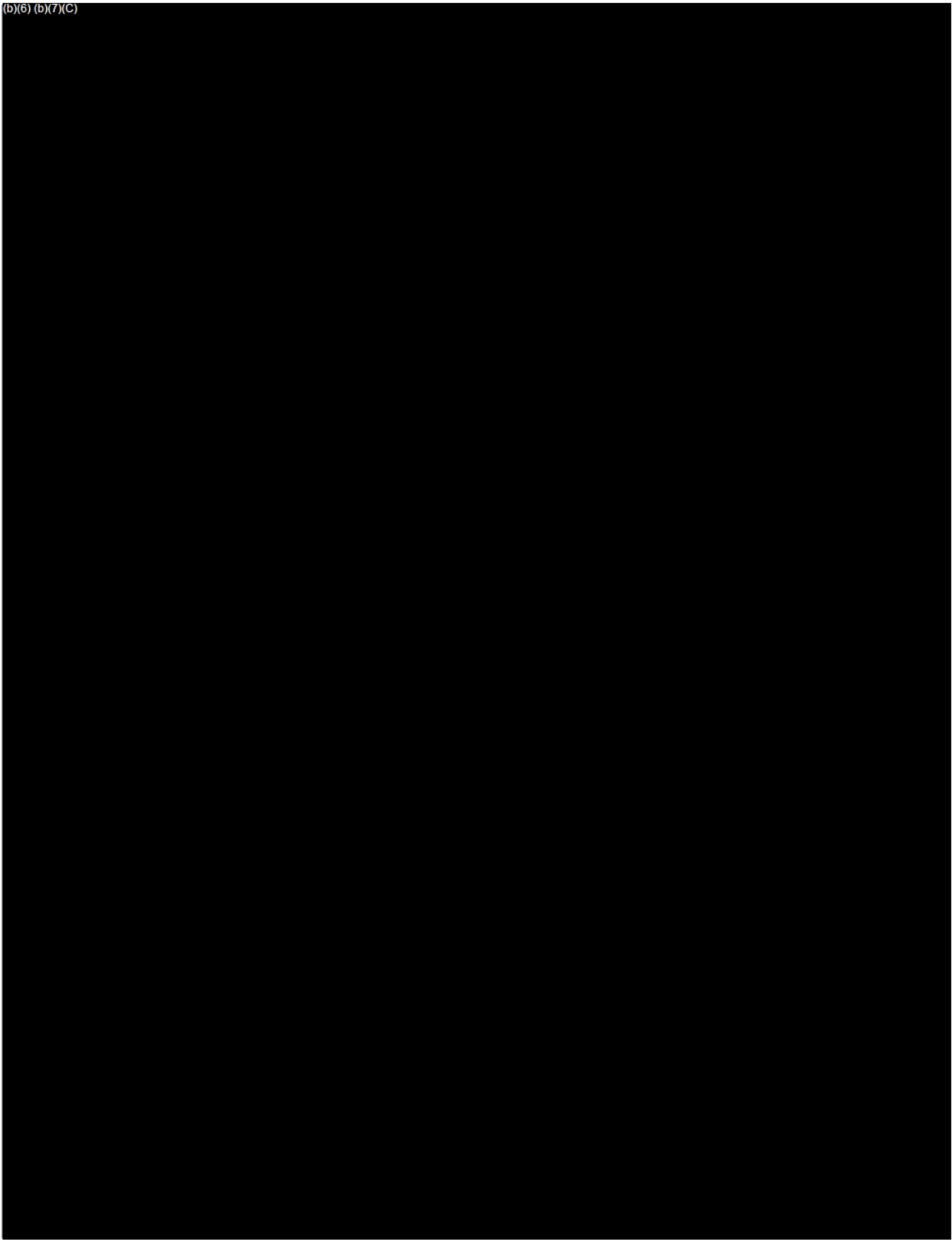
(b)(5), (b)(6) (b)(7)(C)

(b)(5), (b)(6), (b)(7)(C)



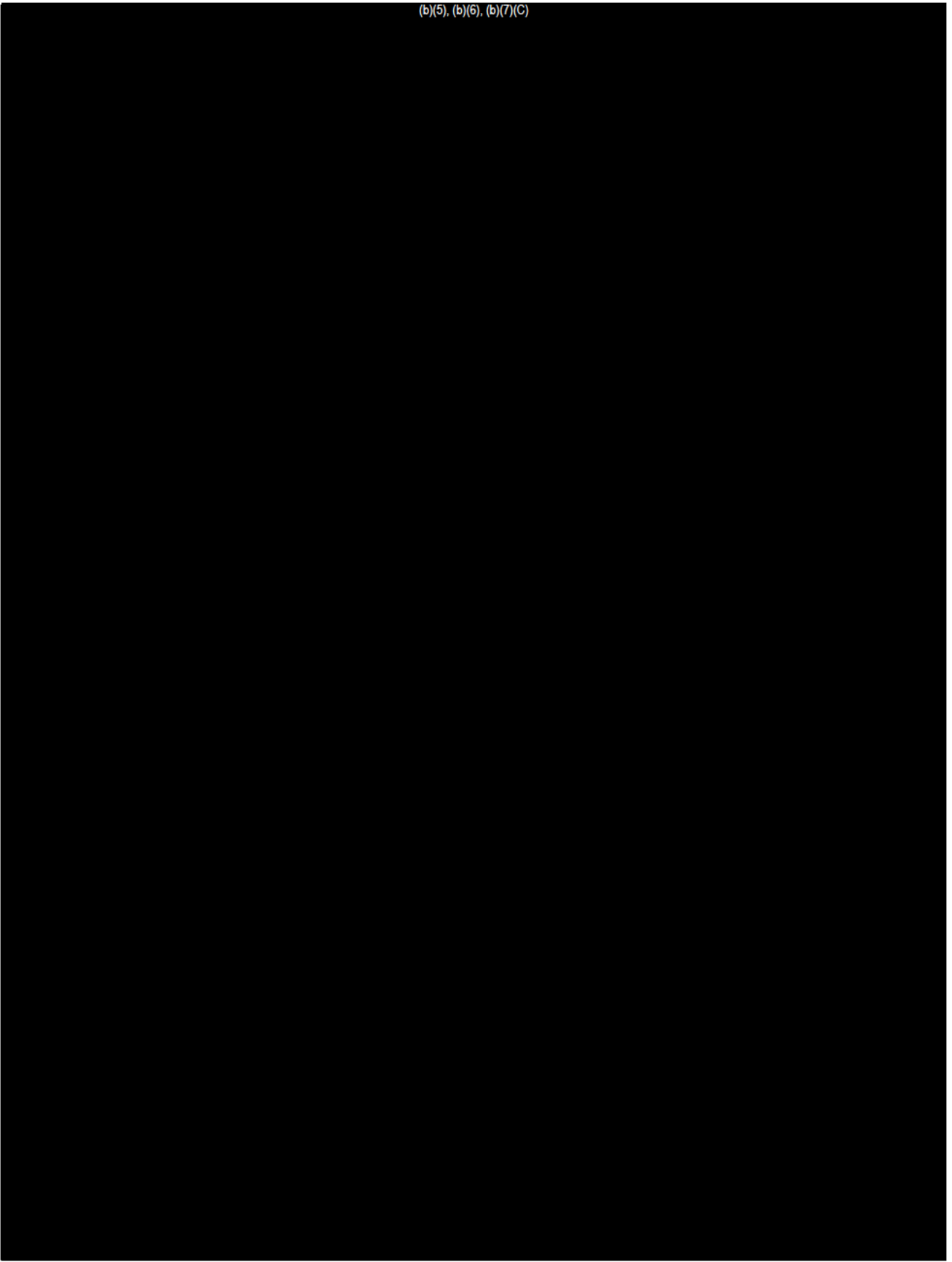
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(b)(6) (b)(7)(C)




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(b)(5), (b)(6), (b)(7)(C)



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(b)(5), (b)(6), (b)(7)(C)



V. CONCLUSIONS

A. Maj Gen Padilla improperly appointed his IG to serve as an investigating officer in a CDI.

B. (b)(6) (b)(7)(C)



VI. RECOMMENDATION

The Secretary of the Air Force consider appropriate corrective action with respect to Maj Gen Padilla.

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